

substantially positioned. Wang does not disclose nor suggest this particular feature. To anticipate a claim, however, a prior art reference must teach each and every element set forth in that claim. MPEP §2131.

In particular, the lamp socket (74) in Wang is positioned within a compartment (68) formed by a mounting cone (66). Wang at col. 4, lines 41-43. The mounting cone is formed from a wall that is an extension of the bottom wall (30). Wang at col. 4, lines 29-32 and at Fig. 6. In Wang, the compartment (68) in which the lamp socket is secured is distinctly different from the compartment (32) defined by the bottom wall and the upwardly-extending sidewalls (22, 24, 26, and 28). This latter compartment constitutes a substantially closed space when covered by the lid (86) that serves as the top wall. This space secures such power-related components for operation of the luminaire as the starter (35), capacitor (36), and ballast (37). Wang at col.3, lines 17-19. A top end (75) separates the latter closed space (32) from the compartment (68) formed by the mounting cone. The top end has an aperture (76) only large enough to allow socket leads (77) from the lamp socket external to the enclosed space to enter the enclosed space for connection to the power-related components secured there. Wang at col. 4, lines 45-49 and Fig. 2.

Although Wang does provide for a low-profile overhead industrial light fixture, it fails to disclose a lamp socket positioned substantially within the enclosed space formed by the top wall, bottom wall, and sidewalls of the housing as in Applicants' claimed device. In contrast, the lamp socket in Wang is secured to the housing external to this enclosed space by being fastened to the outside surface of the bottom wall. Wang teaches that this is necessary so that the lamp socket "is isolated from the other electrical components, thus protecting the heat-sensitive electrical components, such as capacitor 36 from the heat-emitting lamp socket 74." Wang at col.4, lines 63-65. Consequently, Wang teaches against a housing of the type claimed by Applicants where there is no need for insulation or baffles between components and all such power-related components, including the lamp socket, are secured within a single compartment of the housing.

The invention set forth in claim 1 of the present patent application is therefore directed to a housing for an overhead industrial light fixture with a material structural difference from Wang. Absent at least that one element of claim 1, Wang fails to anticipate

Applicants' device. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F. 2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). For these reasons, Applicants respectfully request the withdrawal of the rejection of claim 1 and of claims 2, 3 6-9, and 13 that are dependent from claim 1.

Claim 6 is rejected by the Examiner as anticipated by Wang. Claim 6 is dependent from claim 2 which is dependent from claim 1, wherein the housing is further limited to having enclosure-forming members consisting essentially of a top member and a bottom member. In particular, the top member is described in claim 6 as forming the top wall and downwardly-extending sidewall portions. The downwardly-extending sidewall portions, together with the upwardly-extending sidewall portions of the bottom member, complete the sidewalls of the housing.

The top member set forth in claim 6, however, is not found in Wang. Each of the sidewalls in Wang extends solely from the bottom wall. Wang at col. 3, lines 8-11. No portion of any sidewall is formed by lid (86) that simply covers the open top or access opening (34) to the compartment (32) formed by the bottom wall and sidewalls. Wang at col. 5, lines 17-18 and col. 3, lines 13-16. The lid forms only a top wall. Wang at Fig. 1.

Absent an identical top member, the invention contained in claim 6 by Applicants is not anticipated by Wang. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F. 2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Therefore, Applicants further request withdrawal of the rejections of claim 6 and claims 7-9 and 13 that are dependent from claim 6.

Claim 7 and 8 are also rejected by the Examiner as anticipated by Wang. Claim 7 is dependent from claim 6, wherein the downwardly-extending sidewall portions of the top member is further limited to including two opposed endwalls, each terminating in an end flange engaging and fastened to the bottom member. Claim 8 is dependent from claim 7, wherein the end flanges engage and are fastened to the bottom wall. None of the additional elements found in claims 7 and 8, however, are disclosed in Wang.

As indicated above, the top member in the Wang device is a lid that forms no portion of the sidewalls. In particular, the lid disclosed in Wang does not form any portion of the endwalls, much less complete endwalls that engage the bottom wall of the housing. Lacking endwalls, the lid in Wang lacks end flanges as well. Although flanges are shown in Fig. 2 of Wang, these are handle portions extending from the front and rear walls to provide the installer with a handle to facilitate lifting and moving the housing. Wang at col. 5, lines 10-13. Since the front and rear walls extend from the bottom wall, these flanges are part of the bottom and not top member of the housing. They are especially not flanges on a top member that engage and are fastened to either the bottom member or bottom wall.

For these reasons, Wang does not anticipate claim 7 and 8. Applicants therefore respectfully request withdrawal by the Examiner of the rejections of claims 7 and 8.

The Examiner has rejected claim 9 as anticipated by Wang. Claim 9 is dependent from claim 6, wherein the top member includes a central top-wall portion, a pair of lateral top-wall portions below and on opposite sides of the central top-wall portion, and a pair of opposed upper sidewall portions, each extending downward from one of the opposite edges of the central top-wall portion to the inner edge of one of the lateral top-wall portions.

None of the additional features of claim 9 are found in Wang. The top member to the housing in Wang is limited to a lid (86) with no sidewall portions. Wang at Figs. 1 and 4. In particular, the lid does not have a top wall that is differentiated between a central portion and two lateral portions with sidewall portions in between. Absent these elements, claim 9 cannot be anticipated by Wang. Consequently, Applicants further request withdrawal of the rejection of claim 9.

There has also been a rejection of claim 13 on the basis that it is anticipated by Wang. Claim 13 is dependent from claim 6, wherein the bottom member is formed of sheet metal that has been bent to form the junctures between the bottom wall and the sidewall portions associated with the bottom member. These additional limitations are not disclosed by Wang. Wang teaches a bottom member formed from aluminum in an injection molding process. Wang at col. 3, line 13 and col. 4, lines 25-27. In the absence of a showing of each and every element of claim 13, there can be no anticipation by Wang. Therefore, Applicants also request the withdrawal of the rejection of claim 13.

Moreover, in addition to the lack of anticipation of claims 1-3, 6-9, and 13 by Wang, the declaration of Alan J. Rudd, Eric Haugaard, and Kurt Wilcox evidence a date of conception and reduction to practice by Applicants of the claimed invention prior to the filing date of Wang, February 23, 2000. This effective date for Wang as a reference under 35 U.S.C. §102(e) is less than a year before the filing of the present application, October 24, 2000. Accordingly, Applicants submit that any and all rejections of claims 1-3, 6-9, and 13 based on Wang are properly overcome by the attached declaration as well. Applicants request therefore that these rejections be further withdrawn under 37 CFR §1.131.

Conclusion

Applicants respectfully request that the Examiner reconsider the rejections of claims 1-3, 6-9, and 13. The application is believed to be in condition for allowance of all pending claims and early favorable action is requested. The Examiner is invited to call the undersigned attorney if that would be helpful to resolve any issues that remain.

Respectfully submitted,

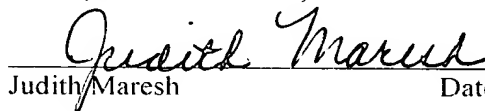


Richard W. White
Registration No. 50,601

Dated: December 19, 2002

Jansson, Shupe & Munger, Ltd.
245 Main Street
Racine, WI 53403-1034
Attorney Docket No. RU-134US

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Judith Maresh

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